

Rule 60, FED. R. CIV. P., provides in pertinent part:

(b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud ..., misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.

In his motion to reopen the case pursuant to Rule 60(b), plaintiff asserts he was prevented from filing objections to the Report of the magistrate judge due to a hurricane and his subsequent transfer to another facility. After careful consideration of the circumstances in this case, the court is of the opinion that plaintiff's Rule 60(b) motion warrants relief from the judgment and plaintiff should be provided an additional opportunity to prosecute his lawsuit. Accordingly, plaintiff's motion should be granted, and the case should be reinstated on the court's active docket.

ORDER

For the reasons set forth above, plaintiff's motion to alter or amend judgment should be denied. Plaintiff's motion for relief from the judgment pursuant to Rule 60(b), however, should be granted and the case should be reinstated on the court's active docket. It is

ORDERED that plaintiff's motion to alter or amend judgment pursuant to Rule 59(e) (#14) is **DENIED**. It is further

ORDERED that plaintiff's motion for relief from judgment filed pursuant to Rule 60(b) (#13) is **GRANTED**. The Clerk of Court is **DIRECTED** to reinstate the above-styled action on the court's active docket.

SIGNED at Beaumont, Texas, this 24th day of May, 2022.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE